

MACC 49 of 2017  
Present – Shri Sanjay Naskar Ld.P.O  
J.O Code (UID No) WB01025

Order no.55  
Dated, 23.04.2025

Claimant is present. O.P. no.2 is present. It appears that since 18.02.2019 the claimant is not taking steps upon the O.P. no.1. Considerable period has elapsed. As the summon has not been served upon the O.P. no.1, let the suit against the O.P. No.1 be dismissed under Order 9 Rule 5 CPC.

It appears that the petition dated 30.04.2016 has not been disposed off till today.

On perusal of the record, it appears that the O.P. no.2 has challenged the maintainability of the case and therefore, a preliminary issue is to be framed as to whether the case is maintainable for not appearing the name of the claimant as injured in the alleged accident case ?

The preliminary issue as framed is written in another sheet of paper and is kept with the record.

To 03.06.2025 for hearing petition and hearing the maintainability of the case on the preliminary issue so framed today.

Addl. Sessions Judge,  
Fast Track 3<sup>rd</sup> Court, Basirhat, North 24 pgs.

**In the Court of Additional District & Sessions  
Judge, Fast Track 3<sup>rd</sup> Court, Basirhat, North 24  
Parganas.**

MACC 49 of 2017

Present – Shri Sanjay Naskar Ld.P.O

J.O Code (UID No) WB01025

**Golam Hossain Mondal .....Claimant.**

**-vs-**

**Bajaj Allaianz Co. Ltd..... O.P. No.2**

**I S S U E**

1. Whether the case is maintainable for not appearing the name of the claimant as injured in the alleged accident case ?

Dictated & Corrected by me.

Addl. District & Sessions Judge,  
Fast Track 3<sup>rd</sup> Court, Basirhat,  
North 24 Parganas.

**Sanjay Naskar.**

Addl. District & Sessions Judge, Fast  
Track 3<sup>rd</sup> Court, Basirhat, North 24  
Parganas.